



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAR 29 1999

Ms. Myriam Rivera
Manager, Hazardous Materials
Navieras NPR, Inc.
PO Box 71306
San Juan, Puerto Rico 00936-8306

Ref. No. 99-0049

Dear Ms. Rivera:

This is in response to your letter dated February 9, 1999, requesting clarification of § 173.150 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for verification that alcoholic beverages containing more than 24% of alcohol by volume may be reclassified as a consumer commodity.

Although it is possible to ship limited quantities of alcoholic beverages as consumer commodities, an alcoholic beverage (wine and distilled spirits as defined in 27 CFR 4.10 and 5.11) is not subject to the HMR if it is shipped in an inner packaging of five liters or less (§ 173.150(d)(2)). Regardless of the alcoholic content of the material, if the alcoholic beverages are being shipped inside of inner containers with a capacity less than or equal to five liters, you would not be subject to shipping papers, marking, labeling, placarding or packaging requirements of the HMR.

I hope this satisfies your request.

Sincerely,



John A. Gale

Transportation Regulations Specialist
Office of Hazardous Materials Standards

173.150



BATH
§173.150
99-0049

NPR, Inc.

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February 9, 1999

Mr. Edward Mazzulo-DHM-10
DOT-RSPA-OHMS
400 7th St. SW
Washington, DC 20590

Dear Mr. Mazullo:

Confirming my telephone conversation with one of your compliance officers, I will appreciate your clarification on certain requirements for alcoholic beverages found in 173.150(b)-(d). Specifically, I refer to beverages containing more than 24% of alcohol per volume.

1. I interpret from 173.150(b)(2) & (3) that, regardless the content of alcohol by volume, alcoholic beverages in inner packagings not over 1.0L (PG II), and not over 5.0L (PG III) may be renamed as "Consumer Commodity" and such are not regulated at all.
2. Not regulated means that they are totally exempted from the labeling, marking, placarding, segregation and specification packaging requirements, except that each box must be marked: Consumer Commodity, ORM-D, as required by 172.301(a)(1) and 172.316(a)((2).

Your comments and/or recommendations will be appreciated. Thank you for your attention to this matter.

Cordially,

NAVIERAS NPR, INC.

Myriam Rivera
Manager, Hazardous Materials

MR